



City of Cincinnati LPA Certification

BASIC

- 1. Previous Project Experience:** *The LPA must have previously delivered successful capital improvement projects of a similar nature, size and complexity. If the LPA has previously participated in the Local-let process this would include the District's evaluation of the LPA; including the LPA's ability to meet project delivery goals, to provide information and paperwork in a timely manner, and to effectively communicate.*

RESPONSE

The City of Cincinnati's Department of Transportation and Engineering (DoTE) has a demonstrated history of successfully delivering capital improvement projects of similar nature, size, and complexity anticipated under the LPA process. The City also has extensive experience administering, planning, designing, managing, and inspecting similar capital improvements in Cincinnati's unique environment.

City of Cincinnati professionals have a long and successful history of improving transportation infrastructure in a challenging urban environment, faced with narrow rights-of-way, hilly topography, demanding utility coordination, complex geology, and multi-modal maintenance of traffic. These projects include road and intersection construction, reconstruction, improvement and rehabilitation; bridge construction, reconstruction, and rehabilitation; retaining wall construction, reconstruction, and repair; landslide corrections; a full range of traffic safety improvements, including traffic signal installation and reconstruction, street lighting improvements and repair, traffic calming, and traffic control improvements; bicycle/pedestrian facility construction; hillside stairways and pedestrian bridges construction, reconstruction, and repair; construction of streetscapes, gateways, and other improvements to enhance urban quality of life.

DoTE recognizes that successful project delivery demands dedicating experienced professionals to manage and support projects throughout all phases. DoTE's dedicated employees bring a diverse array of professional background and experience in accounting, architecture, engineering, and planning. DoTE's experienced staff receives outstanding support from other City agencies, including Budget and Evaluation, Finance, Purchasing, Contract Compliance, Real Estate, and numerous others. Finally, we extend our capability and capacity through use of outside consulting services.

DoTE has already demonstrated its capacity to successfully design and/or manage construction on a number of LPA projects including Fort Washington Way; Queen City, White to Wyoming; Paddock Road over I-75; Beechmont Avenue, Corbly Road to State Route 32; Bicycle Grate Replacements; Hamilton Avenue, Windemere Way to Groesbeck Road, and River Road, Illinois to Mt. Echo.



City of Cincinnati LPA Certification

BASIC

2. Audit Findings:

- a. *The LPA must be in good standing with the State Auditor, ODOT and FHWA relative to its accounting practices and fiscal operations. The most recent State audit report, as well as any audit performed regarding Federal program considerations may not contain any unresolved adverse opinions.*
- b. *As evidence of such good standing, the LPA must provide an official affidavit to this effect. In the event that a recent audit report does contain indications of adverse conditions, the LPA shall include clear and complete documentation from the associated auditor that the problems/deficiencies have been resolved/corrected and that appropriately modified replacement practices are now in place.*

RESPONSE

The City of Cincinnati is in good standing with the State Auditor, ODOT and FHWA. The city comports with all generally accepted accounting principles and practices. The city's Comprehensive Annual Financial Report (CAFR) is audited by an independent outside auditor under contract with the Auditor of the State of Ohio. The city's most recent CAFR, which was audited independently, has been filed and accepted by the State Auditor. A copy has been included in [Appendix A](#) and can also be found at: http://www.auditor.state.oh.us/Public/AuditSearch/Reports/2006/City_of_Cincinnati_05-Hamilton.pdf

This the 2005 CAFR, the 2006 CAFR is not available yet.

In addition to the audited CAFR, the City of Cincinnati has received the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for 24 consecutive years. This national award recognizes conformance with the highest standards in government accounting and financial reporting.

An affidavit executed by the Finance Director is included in Appendix B.



City of Cincinnati LPA Certification

BASIC

- 3. Authority:** *The LPA must have established authority in place for executing the project, and must be willing to provide a copy of approved legislation that provides the mayor, county engineer or other designated local official with clear authority to enter into a project agreement with ODOT and to perform all necessary functions that may be required for carrying out the project to its completion.*

RESPONSE

Under Ohio law, the City Council of the City of Cincinnati has the authority to authorize the City Manager, or other public official, to enter into such agreements and to perform all necessary functions that may be required for carrying out the project to its completion. Authority to enter into each Project Agreements must be granted by Ordinance of the City Council. The City has a history of successfully working with the Ohio Department of Transportation to execute such agreements.



City of Cincinnati LPA Certification

BASIC

- 4. Separation of Interests:** *The LPA must have established an organizational structure that provides formal checks and balances for ensuring the responsible conduct of those public officials and/or hired consultants/individuals participating in the development and delivery of the project. The LPA shall provide a copy of a table of organization delineating project authorities/responsibilities that precludes any single private entity or private individual from having control over both preliminary/final design engineering and construction administration/inspection activities.*

RESPONSE

The City of Cincinnati's organizational structure, along with the structure of the Department of Transportation and Engineering, reflect a strong commitment to ensuring responsible conduct of public officials, employees, hired consultants, contractors, and others participating in the development and delivery of projects. Organizational structures for the City and its departments are included in Appendix C.

From project initiation to completion, the City and Department organization and policies provide a high level of financial control and accountability. Authority for approving project budgeting, funding, planning, design, bidding, construction management, inspection, testing, and accounting is separated. Construction contracts and change orders are subject to approval by at least three separate agencies outside the Department.

The Department will ensure that no single private entity or private individual will have control over both preliminary/final design engineering and construction administration/inspection activities. Specific assignments to ensure such separation will be identified as the project is programmed with the Ohio Department of Transportation.



City of Cincinnati LPA Certification

BASIC

- 5. Public Employee in Responsible Charge:** *The LPA must designate a full-time public employee within the local government's organization as having primary oversight responsibilities for delivering the project. The named public official shall maintain an active awareness of project development progress as well as substantive, on-going participation in project decision-making.*

RESPONSE

The Director of the Department of Transportation and Engineering will designate a full-time public employee of the Department of Transportation and Engineering as Project Manager for each project. This Project Manager will be a Professional Engineer with the necessary qualifications for the specific project scope. The Project Manager for each LPA project will be identified as the project is programmed with the Ohio Department of Transportation.

The City Engineer will be responsible for general oversight and coordination of the LPA program for the City of Cincinnati. The City Engineer has designated the following full-time public employees as City LPA Coordinators for this program.

Local LPA Coordinator (Primary Contact)

Joan S. Buttner, P.E.
Supervising Engineer
Transportation Design
(513) 352-6236
joan.buttner@cincinnati-oh.gov

City LPA Coordinator (Secondary Contact)

John S. Brazina, P.E.
Senior Engineer
Transportation Design
(513) 352-6249
john.brazina@cincinnati-oh.gov

The LPA Coordinator will notify ODOT promptly if the Project Manager is changed during the course of the project.



City of Cincinnati LPA Certification

BASIC

- 6. Contract Administration Procedures:** *The LPA must have formal contract administration procedures and record keeping systems in place that are acceptable for project management purposes. At minimum, these procedures and systems must cover each of the areas set forth below under Project Administration Processes.*

RESPONSE

The City of Cincinnati and the Department of Transportation and Engineering have developed, adopted, regularly update, and operate in accordance with formal contract administration procedures and record keeping systems, including accounting, construction management, construction inspection, consultant selection, contract compliance (EEO, prevailing wage, and SBE), purchasing, real estate, etc. Procedures and systems are separately described in the Project Administration Processes section of this submittal.



City of Cincinnati LPA Certification

EXPERTISE

- 7. Pre-qualification:** *The LPA must possess the technical expertise needed for performing the various tasks or activities associated with the project's delivery requirements, as demonstrated through the identification of credentialed public employees, or consultant service providers under agreement. Each consultant service provider must be ODOT pre-qualified for any project activity that it is contributing and for which ODOT maintains a pre-qualification requirement, e.g., environmental services, engineering design, right of way acquisition, etc.*

If at any point throughout the project development and construction process the LPA finds it necessary to change either consulting firms or key individual service providers, then it must consult with the District to ensure that the proposed substitute has pre-qualification status and/or that specific individual service providers possess the technical expertise to fulfill the associated project responsibilities.

RESPONSE

City employees possess the technical expertise needed to perform the various tasks or activities associated with the project's delivery requirements. This staff includes accounting, administrative, architectural, contract compliance, engineering (civil, geotechnical, highway, structural, and traffic), environmental, financial, geological, graphic design, information technology, inspection, management, permitting, planning, project management, purchasing, right-of-way, safety, risk management, surveying, and urban design professionals.

The City routinely retains private consulting firms to extend City employee capacity and capability. The City uses a qualifications-based process to select consultants for architecture, engineering, environmental services, and, geotechnical exploration, mapping, material testing, real estate, and surveying.

Brief resumes of key City personnel serving as City LPA Coordinators, Project Managers, and Construction Engineers are shown in Appendix D; a listing of consultants available through current agreements with the City of Cincinnati are contained in Appendix E.

The City will use consultants that are pre-qualified by ODOT and will consult with ODOT District 8 when assigning key personnel, selecting project consultants, or should it become necessary to change consultants or key project personnel to ensure compliance with this requirement.



City of Cincinnati LPA Certification

EXPERTISE

8. Project Engineer:

- a. *The LPA's designated Project Engineer must be a professional engineer licensed by the State of Ohio, who has previously performed/provided similar engineering services/products (including project management) in a successful manner on comparable projects. The Project Engineer shall exercise the primary, day-to-day responsibilities over the engineering and other technical aspects of designing and constructing the project.*
- b. *In the event that the role of Project Engineer is to be filled through consultant service providers, the required separation of interests between the design and construction phase authorities over the project may necessitate that this role be divided between two distinct, unaffiliated individuals with respect to the two phases of the project, resulting in both a Project Design Engineer and a Project Construction Engineer.*

RESPONSE

The Director of the Department of Transportation and Engineering will assign a full-time employee of the Department of Transportation and Engineering as Project Manager for each project. This Project Manager will be a Professional Engineer with the necessary qualifications to manage the specific project. This public employee will be registered with the State of Ohio in accordance with Ohio Revised Code §4733. The Project Manager for each LPA project will be identified as the project is programmed with the Ohio Department of Transportation.

The Project Manager will oversee the day-to-day planning, design, and preparation of construction documents for the project. If a private consulting firm is selected to perform part or all of this phase of the project, the Project Manager will direct the work of the consultant. A separate Project Construction Engineer will be assigned to manage the day-to-day construction of the project supported by a Project Construction Inspector. Unless otherwise specified, the Project Manager, Project Construction Engineer, and Project Inspector will be full-time City employees of the City of Cincinnati, Department of Transportation and Engineering.

If the design and construction phases of the project are to be performed using private consulting firms, the Department will work with District 8 to assure that two distinct, unaffiliated individuals perform these two phases of the work.



City of Cincinnati LPA Certification

PROJECT ADMINISTRATION PROCESSES

9. Project Delivery/Construction Administration: *The LPA or its consultant service providers must have established practices and processes for effectively dealing with each of the following aspects of project delivery:*

- a. **Procurement of goods and services:** *Established practices and processes must be in place that ensure both competitive and economic costs, as well as quality and timeliness of delivery. Choosing consultants for the provision of professional services to the project must result from an objective, quality-based selection process pursuant to State and Federal law. Geographic location of a business entity, or other restrictions aimed at limiting participation, may not be imposed in selecting a supplier/service provider.*

RESPONSE

Procurement of goods and services are performed in accordance with Cincinnati Municipal Code Chapter 317 - Living Wage, Chapter 319 - Prompt Payment System, Chapter 321 - Procurement And Disposal Of Supplies, Services And Construction, Chapter 323 – Small Business Enterprise Program, and Chapter 325 – Equal Employment Opportunity Program (Non-Construction Workforce). These sections of the Cincinnati Municipal Code are contained in Appendix F. The Purchasing Division of the Finance Department has established practices and processes in place to ensure competition and economy, as well as quality and timeliness of delivery in accordance with federal, state, and local laws.

Selection of professional services are performed in accordance with City of Cincinnati Administrative Regulation 23 (Appendix G). A Procedure Manual for selecting professional service providers along with a Manual specifically focused on requesting services for Small Business Enterprises is also included in Appendix G. Finally, the Department has developed specific guidelines for assigning work to consultants with existing contracts (Appendix G). These procedures provide the basis for a qualifications based selection process to promote selection of the most competent professionals best suited to perform the specific work assignment.

- b. **Consultant Agreement Administration:** *Established practices and processes must be in place ensuring that each consultant is held accountable for delivering its services in a quality and timely fashion pursuant to the terms of the contractual agreement and schedule. Any modifications to such an agreement must be conducted and recorded in a business-like fashion.*



City of Cincinnati LPA Certification

RESPONSE

Consultant Agreements specify general requirements that govern the City / Consultant relationship. The agreements for the City's Professional Service Contracts, who are on ODOT's prequalified list are included as Appendix H. For most projects, the City uses these contracts as the basis to obtain project specific proposals expeditiously.

Specific proposals are requested from a firm identifying work scope, schedule, cost, reviews, deliverables, and other conditions specific to the project. Once these proposals are approved and funds certified, these proposals, and the agreement, form the basis for the Project Manager / Consultant relationship. A Project Manager oversees and coordinates the consultant's work to promote timely product delivery that meets project needs and expectations.

c. **Construction Contract Administration:** *Established practices and processes must be in place that ensure:*

- *all applicable construction and environmental permits are secured;*
- *the contractor's work is properly inspected for quality and composition factors by qualified personnel;*
- *materials used meet testing requirements pursuant to an ODOT-approved materials management process;*
- *construction progress is monitored throughout the duration of contractor operations as well as maintained relative to the established schedule;*
- *change orders are reviewed and approved systematically;*
- *contractor invoices accurately reflect the extent of work performed and billing is consistent with the contract's pricing;*
- *contractor invoices are processed and paid in an expeditious manner; and*
- *any claims that may be made by the construction contractor are handled in a responsible and objective fashion pursuant to an ODOT-approved claims management process.*

For construction contract change orders that involve a substantive modification of the project's physical scope, including those involving an expansion or contraction of the project's geographic work limits, the LPA must receive the approval of the District prior to proceeding with such changes. In considering such change orders, the District shall consult with the program manager(s) of the specific ODOT capital program(s) funding the project.

RESPONSE



City of Cincinnati LPA Certification

The Department has developed, implemented, and regularly updates its construction contract administration procedures. These procedures provide an important framework for managing and inspecting construction to promote consistently high-quality construction. We have included a copy of the Construction Management Manual (Appendix I) as well as the Construction Inspection Manual (Appendix J).

All projects are assigned to a Construction Engineer and Construction Inspector with specific experience in the proposed construction. Experienced inspectors provide quality assurance inspections and prepare an Inspector's Daily Record (IDR) for each day of construction. These IDR's capture important information, including workforce, quantities, schedule, progress, problems, etc. The Construction Engineer provides oversight and guidance during all phases of construction to promote timely decision-making, identifying issues early and resolving them quickly.

Regular progress meetings are held to review progress, identify issues, resolve conflicts, and resolve schedule and cost concerns. While these meetings are generally held weekly, frequency varies with the size of the project.

The Department routinely works with other federal, state, and local permitting agencies to ensure that all permit requirements are identified and satisfied. The Department uses material certifications and contracts with three local material testing labs to ensure that materials supplied meet specifications.

The Department has developed automated systems to track daily quantity use on all construction contracts and to track voucher payments. These systems provide construction engineers and inspectors with current information on the financial status of projects, quantities, change orders, payments, schedule, and other information essential to successful construction management.

The City of Cincinnati has enacted Prompt Pay legislation that requires payments within thirty calendar days (Appendix F). Using systems specifically developed for construction management, our construction, accounting, and clerical staff routinely process accurate and verified payments in less than twenty days from the date vouchers are received.

Requests for changes are reviewed promptly. Change orders are processed systematically to ensure that the construction engineer, project manager, contractor, and funding agency concur with the change. For construction contract change orders that involve a substantive modification of the project's physical scope, including those involving an expansion or contraction of the project's geographic work limits, the City will receive approval of the District prior to proceeding with such changes.



CITY OF
CINCINNATI

Milton Dohoney, Jr.
City Manager

DEPARTMENT OF
TRANSPORTATION AND ENGINEERING

Eileen Enabnit
Director

City of Cincinnati LPA Certification

Finally, the Department has adopted Dispute Resolution procedures for construction disputes. This procedure is listed in Appendix K.



City of Cincinnati LPA Certification

PROJECT ADMINISTRATION PROCESSES

10. Finance, Accounting and Record keeping: *The LPA must have established practices and processes that ensure all financial transactions associated with the project are properly accounted and that accurate records are maintained in this regard for subsequent audit purposes.*

RESPONSE

The City of Cincinnati has established practices and processes to ensure all financial transactions associated with the project are properly accounted and that accurate records are maintained in this regard for subsequent audit purposes.

The Cincinnati Financial System (CFS) records all financial transactions impacting project funds. Payments to all vendors, including professional service providers, construction contractors, suppliers, etc., are entered into and paid through this system.

The Cincinnati Human Resource Information System (CHRIS) captures in-house personnel charges. This system allows automated posting of personnel charges to project accounts.

The Department has also developed and implemented Construction Quantity Utilization and Estimate Reporting (ConQUER) to provide project managers, construction engineers, and inspectors with accurate and up-to-date information during construction. Contract quantities are input daily, providing current information on the financial status of all construction projects.

A separate Accounting staff of the Department provides continuous oversight and reports on the status of capital projects.

The City acquires necessary rights-of-way in accordance with §163.51 through §163.62 of the Ohio Revised Code; §5501:2-5-01 et. seq. of the Ohio Administrative Code; and any future amendments thereto which supplement and support Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended, and Federal Highway regulations and directives on Relocation Assistance and Real Property Acquisition, as well as full compliance with Title VI of the Civil Rights Act of 1964. The City, in accordance with 23 CFR, Part 710, Subpart B., Sec. 710.203, paragraph (c), is adequately staffed, equipped and organized to manage the Real Estate functions through its own ODOT pre-approved staff and/or pre-approved contractual agents. The City will comply with the Ohio Department of Transportation Real Estate Administration's Policies and Procedures Manual, including provisions for utility accommodations, and all applicable State and Federal laws, rules, and regulations.



CITY OF
CINCINNATI

Milton Dohoney, Jr.
City Manager

DEPARTMENT OF
TRANSPORTATION AND ENGINEERING

Eileen Enabnit
Director

City of Cincinnati LPA Certification



City of Cincinnati LPA Certification

PROJECT ADMINISTRATION PROCESSES

- 11. DBE/MBE requirements and issues:** *Established practices and processes must be in place that ensure all applicable DBE/MBE requirements are met.*

RESPONSE

The City of Cincinnati's Office of Contract Compliance monitors compliance of the City's Small Business Enterprise (SBE) program requirements for all construction contracts. A Contract Compliance Specialist is assigned to each contract. Work is divided up by contractor's name.

The City of Cincinnati is committed to maximizing subcontracting opportunities for all qualified and available SBE's. A goal (normally 20%) for mandatory participation is given for each contract depending on an available estimate. The bidder must list all subcontractors at bid time to show how he is going to meet the SBE subcontracting requirement. Any changes from the subcontractors listed in the contractor's bid must be pre-approved by the City. Contractors must submit Subcontractor Monthly Business Utilization Report to the Office of Contract Compliance each month. The Contract Compliance Office reviews and monitors these reports.

- 12. Equal Opportunity requirements and issues:** *Established practices and processes must be in place that ensure all applicable State and Federal Equal Employment*

RESPONSE

The City of Cincinnati's Office of Contract Compliance monitors compliance of the City's Equal Employment Opportunity (EEO) program requirements for all construction contracts. A Contract Compliance Specialist is assigned to each contract. Work is divided up by contractor's name.

The standard for all City construction work during the course of a contract shall be no less than 11.8% minority and 6.9% female in each craft trade for the contractor's aggregate work force in Hamilton County. Contractors are required to submit weekly certified payroll reports and EEO Monthly Utilization Reports to the City's Office of Contract Compliance. The City's Contract Compliance Specialist reviews and monitors these reports.



City of Cincinnati LPA Certification

PROJECT ADMINISTRATION PROCESSES

- 13. Davis-Bacon and/or State Prevailing Wages:** *Established practices and processes must be in place that ensure the proper payment, reporting and record keeping associated with Federal Davis-Bacon and/or State Prevailing Wage Requirements.*

RESPONSE

The City of Cincinnati's Office of Contract Compliance monitors compliance of the City's Prevailing Wage program requirements for all construction contracts. A Contract Compliance Specialist is assigned to each contract. Work is divided up by contractor's name.

The City's Office of Contract Compliance determines the Prevailing Wage Rate applicable to each contract. Prevailing wage rates for each craft trade expected to be used, are included in the bid documents. Contractors are required to submit weekly certified payroll reports and a Final Affidavit of Prevailing Wage compliance for each subcontractor. The City's Contract Compliance Office monitors and reviews these reports. On-site visits are also conducted to interview contractor employees and are handled by the Contract Compliance specialist assigned to the project.